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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hideo TERAMOTO et al.

Group Art Unit: 3714

Application No.: 10/680,186

Examiner: C. COBURN

Filed: October 8, 2003

Docket No.: 117479

For: IMAGE GENERATION METHOD, PROGRAM, AND INFORMATION STORAGE MEDIUM

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the May 19, 2008 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-14, 17-20, 22-25 and 27-30 are pending in this application. Claims 1-14, 17-20, 22-25 and 27-30 are rejected under 35 U.S.C. §103(a) over Burnout Review 2/12/2007, <http://xbox.gamezone.com/gzreviews/r19113.htm> (Gamezone). This rejection is respectfully traversed.

Claims 1, 6, 8, 10, and 27-30 substantively recite generating automatically an action event in which the second moving object takes an erroneous action when the value of the first parameter of the second moving object is determined to have reached a threshold value.

The Office Action alleges that Gamezone discloses taking an action based on the value of the first parameter of the second moving object reaching a threshold value. The Office Action acknowledges that Gamezone does not teach that the action is an erroneous

action. Instead, the Office Action alleges that the action taken by an object in the game program based on game conditions is a matter of design choice, and that it is well within the level of ordinary skill and would yield predictable results. Further, the Office Action argues that such a modification would have been predictable because Applicants have shown no benefit through the chosen action over that taught by the prior art or a showing that these results obtained were not predictable by one of ordinary skill. However, both of these assertions lack merit.

First, Gamezone does not disclose that the second moving object takes an erroneous action. Gamezone only discloses that upon the "near miss" (alleged action event), the vehicle (alleged first moving object) receives an increase in the "burn meter" (alleged first parameter). Gamezone does not suggest that the second moving object takes an erroneous action when the value of the first parameter of the second moving object is determined to have reached a threshold value. Further, Gamezone does not disclose what action the vehicle moving ahead (the second moving object) will take when being approached. As such, Gamezone does not disclose or suggest this feature of claims 1, 6, 8, 10, and 27-30.

Second, it would not have been predictable to modify Gamezone so that the second moving object automatically takes an erroneous action because Gamezone teaches that an object can perform a positive action (speed boost) when a threshold of the "burn meter" is reached in response to a user manually pressing a button. This rationale does not apply to the second moving object, but only to the object being controlled by the user (alleged first moving object). Thus, one of ordinary skill in the art would not have thought it obvious to try this feature, in the recited new way.

Third, the recited feature does possess an added benefit, in contrast to the Office Action's assertion. Specifically, the recited feature provides the benefit of introducing 'psychological warfare' into the game. This emotional race helps the player keep more

interested by adding an additional dynamic to the game that can cause, for example, a computer controlled vehicle (second moving object) to make a mistake when the user's vehicle (first moving object) follows closely behind. As such, it would not have been obvious to one of ordinary skill that the vehicle approached from behind take an erroneous action such as a spin, excess braking, high speed cornering, etc. See instant specification, page 16, lines 9-21 and page 17, lines 3-9.

Therefore, because Gamezone does not disclose or provide a rationale for the features of claims 1, 6, 8, 10 and 27-30, these claims are not obvious. Thus, withdrawal of the rejection of claims 1, 6, 8, 10 and 27-30, and all claims dependent therefrom, is respectfully requested..

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Moshe K. Wilensky
Registration No. 56,263

JAO:MKW/jfb

Date: August 19, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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